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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,404	06/22/2001	Valentin Chartier	5974-075	8426

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CLIFFORD CHANCE US LLP
200 PARK AVENUE
NEW YORK, NY 10166

EXAMINER

HAVAN, THU THAO

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 01/12/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/887,404

Applicant(s)

CHARTIER ET AL.

Examiner

Thu-Thao Havan

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

Claims **1-26** are pending in the present application.

Applicant's arguments filed October 20, 2003 have been fully considered but they are not persuasive. As addressed below, Tang et al. and Shinagawa et al. teach the claimed limitations.

In response to applicant's arguments, the recitation a computer system operation method for use in a system comprised of a plurality of workstations arranged in a peer-to-peer architecture method providing a means for allowing multiple users simultaneously to modify a model of an object at separate workstations, such that any modification made at any workstation is duplicated at each workstation in the system has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

However, Tang teaches a computer system operation method for use in a system comprised of a plurality of workstations arranged in a peer-to-peer architecture method providing a means for allowing multiple users simultaneously to modify a model of an object at separate workstations, such that any modification made at any

workstation is duplicated at each workstation in the system (col. 5, line 1 to col. 6, line 58; col. 10, lines 12-36; col. 12, line 47 to col. 13, line 28). In other words, Tang discloses the application constraint may be tightened so that even in the same application, two workers would have to be performing the same function, such using a spell checker in a word processor, compiling code in a compiler, and the like. Workers using the same application but performing different functions may be considered to be not proximate. When workers compiling codes then they are sharing the same application while making changes to the same object or application. As another example, a worker viewing the calendar of a particular person for a specific date would be task proximate to other workers viewing the same person's calendar for different dates. Similarly, when viewing a calendar on a selected date to schedule a facility such as a conference room, *a worker would be task proximate to other workers viewing the calendar on that date and scheduling a different conference room.*

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Shinagawa teaches a cad device comprising an input device (fig. 30, element 21), a central processing unit (col. 1, lines 40-54), and a display device wherein the central processing

unit runs an application program comprising code (figs. 30-31 and 41-42). Shinagawa teaches a server/client system in a CAD device for manipulating information between different workstations similar to Tang's awareness system enabling users at different workstations to manipulate information. It would have been obvious for one of ordinary skill in the art to combine a cad device of Shinagawa to the system of Tang because it would have improve the user interface of Tang to allow precise manipulation of constraints relating to cell information (Shinagawa: col. 22, line 45 to col. 23, line 40: fig. 46).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims **1-5** are rejected under 35 U.S.C. 102(e) as being unpatentable by Tang et al. (US patent no. 5,960,173).

Re claim **1**, Tang discloses a computer system operation method for use in a system comprised of a plurality of workstations arranged in a peer-to-peer architecture (col. 3, lines 34-45) method providing a means for allowing multiple users simultaneously to modify a model of an object at separate workstations (col. 3, lines 46-61), such that any modification made at any workstation is duplicated at each workstation in the system (col. 2, lines 41-63), the method comprising receiving at a first

workstation input from a user specifying a modification of a model (col. 4, lines 20-52), translating input into command specifying the portion of the model to be modified and the modification to be made (col. 5, line 1 to col. 6, line 65), modifying model at first workstation in accordance with command (col. 7, line 1 to col. 8, line 14; col. 10, lines 28-62), transmitting command via a network to other workstations in the system (col. 11, lines 24-50), processing command at a second workstation (col. 12, lines 31-61), and modifying model at second workstation in accordance with command (col. 13, line 62 to col. 16, line 56). In other words, Tang teaches awareness of others working on similar tasks in a network environment. One worker is task proximate to another worker when both are accessing similar types of data or using similar application tools within a particular time period. Workers share information on command tasks. Task proximity is based on three distinct factors (1) the application the worker is currently using, (2) the data the worker is accessing or manipulating, and (3) the time at which such actions occur. Each of these factors permit users to collaborate by allowing each worker to see both those other workers who are task proximate and those who are interacting. For example, the data being manipulated may be a spreadsheet. Worker A is currently working on the spreadsheet while worker B can access the same spreadsheet and see the changes that worker A is incorporated without duplicating the same change.

Re claims 2-3, Tang teaches plurality of workstations each run applications comprising a distributor component, a feature modeler, and a geometric modeler (fig. 1). In figure 1, Tang teaches a workstation consisting of an information display (element 30 of figure 1) corresponds to a distributor component that distribute active information to

other users, icons (element 13 of figure 1) corresponds to a feature modeler that make changes in the features display, and an encounter (element 20 of figure 1) corresponds to a geometric modeler which generically displays symbols representing the users.

Re claim 4, Tang teaches distributor component, feature modeler, and geometric modeler on each of plurality of workstations are the same (col. 5, lines 12-32; fig 1). In other words, Tang discloses each workstation consisting of elements 30, 13, and 20 of figure 1.

Re claim 5, Tang discloses geometric modeler on each of plurality of workstations employs persistent generic naming (col. 4, line 20 to col. 5, line 59). In other words, Tang teaches the encounter displays generic naming for each user. Each user has name associated with the display image but the file application or the information to be manipulated are in generic naming thus other users can easily accessed the information.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **6-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (US patent no. 5,960,173) in view of Shinagawa et al. (US patent no. 6,323,863).

Re claims **8, 14, 19-20, and 23**, Tang discloses a computer system receiving input into a command specifying a modification of the model (col. 2, lines 41-63; col. 3, lines 34-61; col. 4, lines 20-52), translating input into command specifying the portion of the model to be modified and the modification to be made (col. 5, line 1 to col. 6, line 65), modifying model in accordance with command (col. 7, line 1 to col. 8, line 14; col. 10, lines 28-62), transmitting command via a network to other workstations in the system (col. 11, lines 24-50). In other words, Tang teaches awareness of others working on similar tasks in a network environment. One worker is task proximate to another worker when both are accessing similar types of data or using similar application tools within a particular time period. Workers share information on command tasks. Task proximity is based on three distinct factors (1) the application the worker is currently using, (2) the data the worker is accessing or manipulating, and (3) the time at which such actions occur. Each of these factors permit users to collaborate by allowing each worker to see both those other workers who are task proximate and those who are interacting. For example, the data being manipulated may be a spreadsheet. Worker A is currently working on the spreadsheet while worker B can access the same spreadsheet and see the changes that worker A is incorporated without duplicating the same change.

Tang fails to teach a cad device. However, Shinagawa teaches a cad device comprising an input device (fig. 30, element 21), a central processing unit (col. 1, lines 40-54), and a display device wherein the central processing unit runs an application program comprising code (figs. 30-31 and 41-42). Shinagawa teaches a server/client

system in a CAD device for manipulating information between different workstations similar to Tang's awareness system enabling users at different workstations to manipulate information. It would have been obvious for one of ordinary skill in the art to combine a cad device of Shinagawa to the system of Tang because it would have improve the user interface of Tang to allow precise manipulation of constraints relating to cell information (Shinagawa: col. 22, line 45 to col. 23, line 40; fig. 46).

Re claims **6, 12, 17, 21, and 25**, Tang does not specifically disclose input comprises one or more constraints relating to cell information and for each constraint determining which cells of the model meet the requirement of the constraint and generating a list of cells meeting all of the requirement of the constraints. However, Shinagawa teaches input comprises one or more constraints relating to cell information (figs. 1, 18—element 2, and 30—element 21) and for each constraint determining which cells of the model meet the requirement of the constraint (figs 7 and 18—element 3 is the determined unit that determines if the cell meets the requirement of the constraint in programming procedure of figure 7) and generating a list of cells meeting all of the requirement of the constraints (col. 8, lines 1-22; col. 9, lines 13-46; col. 10, lines 5-13—list of array consisting of a list of cells). It would have been obvious for one of ordinary skill in the art to combine the input of Shinagawa to the system of Tang because it would have improve the user interface of Tang to allow precise manipulation of constraints relating to cell information. (Shinagawa: col. 8, lines 1-22; col. 9, lines 13-46; col. 10, lines 5-13; figs. 1, 7, and 18).

Re claims **7, 13, 18, 22, and 26**, Shinagawa teaches the constraints are chosen from a group comprising constraints relating to cell dimension (fig. 1); constraints relating to the topology of a cell (col.20, lines 6-26); constraints relating to the history of the model evolution (col.9, lines 13-46—the array of parent discloses the history of the model evolution); constraints relating to specific attributes of a cell (col. 22, line 51 to col. 23, line 6—parameters correspond to attributes); and constraints relating to geometrical indications of a cell (figs 5-9).

Re claims **9-11 and 15-16**, Tang teaches plurality of workstations each run applications comprising a distributor component, a feature modeler, and a geometric modeler (fig. 1). In figure 1, Tang teaches a workstation consisting of an information display (element 30 of figure 1) corresponds to a distributor component that distribute active information to other users, icons (element 13 of figure 1) corresponds to a feature modeler that make changes in the features display, and an encounter (element 20 of figure 1) corresponds to a geometric modeler which generically displays symbols representing the users.

Re claim **24**, the limitations of claim 24 are identical to claims 8, 14, 19-20, and 23 above. Therefore, claim 24 is treated the same as discussed with respect to claims 8, 14, 19-20, and 23 above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu-Thao Havan whose telephone number is (703) 308-7062. The examiner can normally be reached on Monday to Thursday from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Art Unit: 2672

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TTH
Art Unit 2672
December 31, 2003



MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600